



CITY OF SUNNYVALE REPORT Administrative Hearing

May 24, 2006

SUBJECT: **2006-0374 – Dragonwell Pan Asian Bistro** [Applicant]
 Teng & Elko LLC. [Owner]: Application on a 4.4-acre site
 located at **1101 Elko Drive** (near Lawrence Station Road) in
 an M-S (Industrial & Service) Zoning District.

Motion Use Permit to allow a restaurant with full liquor service.

REPORT IN BRIEF

Existing Site Restaurant
Conditions

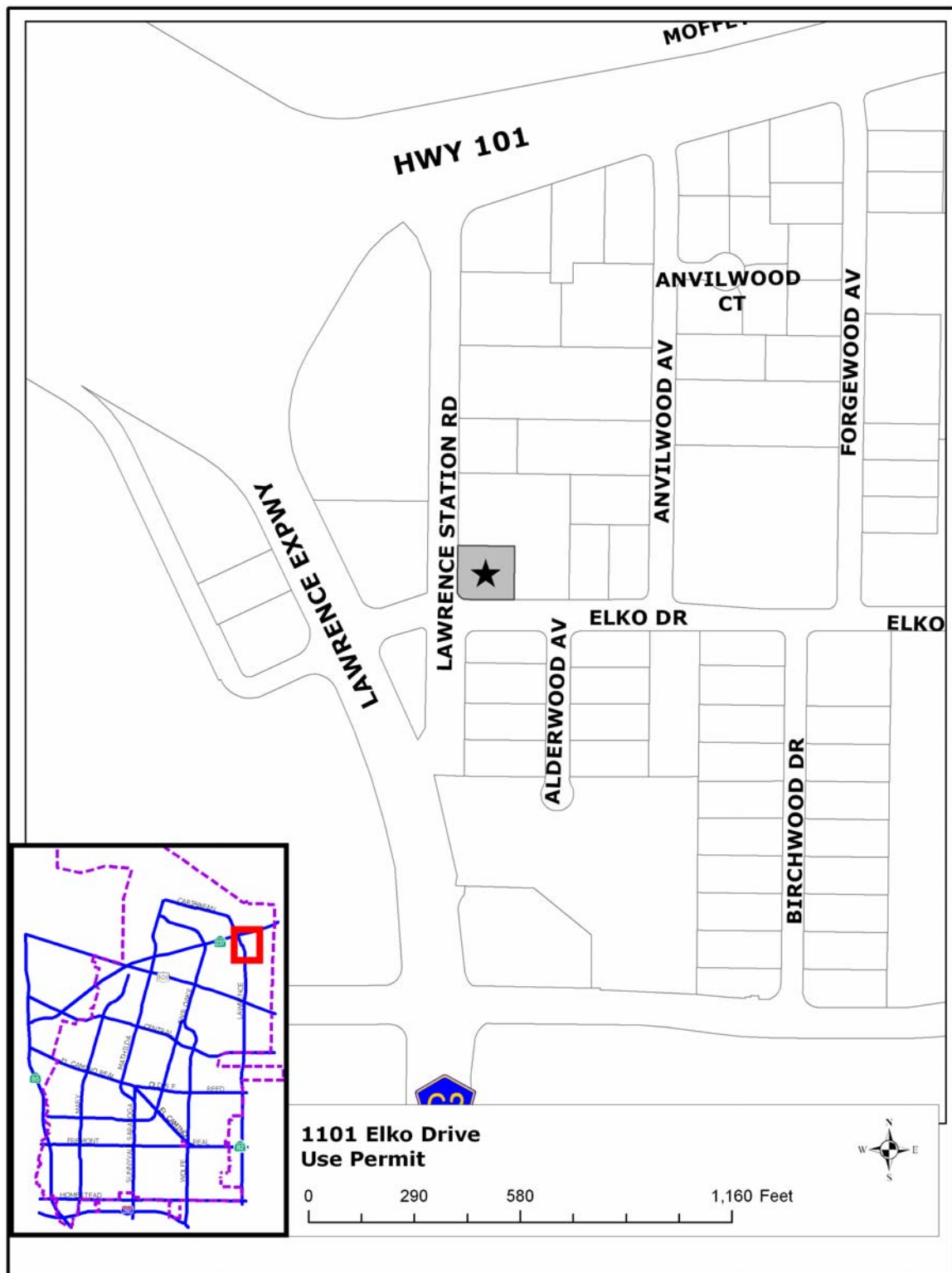
Surrounding Land Uses

North	Industrial/Office (M-S)
South	Industrial/Office (M-S) Across Elko Drive
East	Industrial/Office (M-S)
West	Industrial/Office (M-S) Across Lawrence Station Road

Issues Compatibility of Use

Environmental A Class 1 Categorical Exemption relieves this project
Status from California Environmental Quality Act provisions
 and City Guidelines.

Staff Approve with Conditions
Recommendation



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Industrial	Same	Industrial
Zoning District	M-S	Same	M-S
Lot Size (s.f.)	20,211	Same	20,211 min.
Gross Floor Area (s.f.)	3,550	Same	No max.
Landscaping			
Total Landscaping	7,131 s.f.	Same	4,460 s.f. min.
Frontage Width (ft.)	45 ft.	Same	15 ft. min.
Parking			
Total Spaces	38	Same	33 min.
Compact Spaces/ % of Total	0	Same	3 max. (10% of total)
Accessible Spaces	2	Same	2 min.

ANALYSIS**Description of Proposed Project**

The applicant is proposing a new restaurant with full liquor service. The building was previously occupied by a restaurant/nightclub. The previous Use Permit had expired due to the use being discontinued for more than one year. Originally, a Variance from on-site parking requirements was requested in conjunction with the Use Permit. The applicant has since modified the plan to remove the area designated for a bar and currently requests a Use Permit for the restaurant and alcohol service only.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2002-0021	Variance to Allow Reduce On-site Parking for Restaurant/Nightclub	Administrative Hearing / Approved	1/30/02
2001-0761	Use Permit for a Restaurant/Nightclub	Administrative Hearing / Approved	1/30/02
1979-0100	Miscellaneous Plan Permit: Waiver of Undergrounding Requirements	Staff/Approved	2/26/79
1975-0133	Use Permit to allow a Restaurant Use	Administrative Hearing / Approved	9/22/75
1975-0132	Variance to allow reduced front setback	Administrative Hearing / Approved	9/22/75
1968-0269	Use Permit to allow gas station with a reduced front yard	Planning Commission / Approved	11/25/68
1968-0268	Variance to allow reduced lot area for gas station	Planning Commission / Approved	11/25/68
1967-0495	Tentative Map: Four industrial parcels on 13.27 acres	Administrative Hearing / Approved	7/11/67

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemption includes changes of use in existing facilities.

Use Permit

Use: The proposed use is for a restaurant with on-site sale and consumption of liquor. The applicant is not proposing any live entertainment or modifications to the existing hours of operation. Condition of Approval #1G requires a Use Permit if live entertainment is requested in the future. Staff recommends Condition of Approval #1D, which states the hours of operation are as follows: 11am – 1am (Monday – Saturday).

Site Layout: The restaurant is located within an existing building that has been occupied by various restaurant uses since 1975. The applicant is not proposing any exterior or interior changes to the building.

Floor Plan: A seating area for customers is located within the center of the building. The kitchen is positioned to the north side of the building while restrooms are located at the opposite end. (A Site and Floor Plan is included in Attachment C). A bar noted in the floor plan will be removed by request of the applicant and as conditioned. This area will be utilized for additional restaurant seating.

Landscaping: The site has an approximately 7,131 square feet of landscaping. Most of the landscaping is located between the building and the street and along the perimeter of the property. There are no proposed modifications to the landscaping on-site. Staff has included a Condition of Approval that requires maintenance and preservation of the existing landscaping (Condition of Approval #1H).

Parking/Circulation: The site contains 38 parking spaces including 2 handicap accessible spaces. As noted previously, the applicant has decided to remove the bar area noted on the plans. For restaurants without bars, 1 space per 110 square feet is required for parking according to Sunnyvale Municipal Code Section 19.46.020. At this rate, a total of 33 (32.3) spaces are required; therefore, the site provides ample parking for the proposed use. Staff has included Condition of Approval #1G to require revised floor plans to be submitted to reflect the applicant's revision to remove the bar.

Compliance with Development Standards/Guidelines: The proposed project complies with all development standards and guidelines. During a site visit to the site, staff noticed existing signage that did not comply with Municipal Code requirements. Per Condition of Approval #1F, a sign permit shall be required for proposed signs. Signs determined to not meet Sunnyvale Municipal Code ordinances shall be removed, such as an A-Frame sign located near the sidewalk along Elko Drive.

Expected Impact on the Surroundings: Staff believes that the proposed restaurant with liquor service should not have a negative impact to the site or surrounding uses. The restaurant use had been established at various times over the past 30 years at the site. As conditioned, staff does not expect any significant impacts from the proposed use.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 4 notices mailed to property owners and residents adjacent to the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Use Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Approve the Use Permit and Variance with the attached conditions.
2. Approve the Use Permit and Variance with modified conditions.
3. Deny the Use Permit and Variance.

Recommendation

Alternative 1.

Prepared by:

Ryan M. Kuchenig
Project Planner

Reviewed by:

Andrew Miner
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Letter submitted by the Applicant

Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element

Policy N1.7- Support the location of convenient retail and commercial services (e.g. restaurants and hotels) in industrial areas to support business, their customers and their employees.

Land Use and Transportation Element

Action Statement N1.1.1 – Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

Recommended Findings - Use Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. *(Finding Met)*

The proposed restaurant with liquor sales meets all development standards for the site. The restaurant provides a convenient service for local businesses in a predominantly industrial area.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District. *(Finding Met)*

The proposed use does not propose any expansion or other modifications to the existing building so no visual impacts to the surrounding area are anticipated. The full liquor service had been established at the site previously, and staff does not expect any significant impacts to the area as a result of this proposal.

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1 GENERAL CONDITIONS

- A. The two-year expiration of the Use Permit shall be measured from the date of the approval by the final review authority at a public hearing if the approval is not exercised.
- B. Project shall be in substantial conformance to the approved plans. Minor changes may be approved by the Director of Community Development. Major changes shall be approved at a public hearing.
- C. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- D. The operation hours for the business shall be as follows:
11:00am – 1:00am – Monday - Saturday
Closed – Sunday
- E. Any proposed live entertainment use shall require a public hearing through a Use Permit.
- F. All proposed signs shall require a separate sign permit approval. Illegal signs shall be removed.
- G. Submit a revised floor plan indicating the removal of the bar as noted on the current plans.
- H. All landscaping shall be maintained in a neat, clean, and healthful condition.

2. RECYCLING AND SOLID WASTE

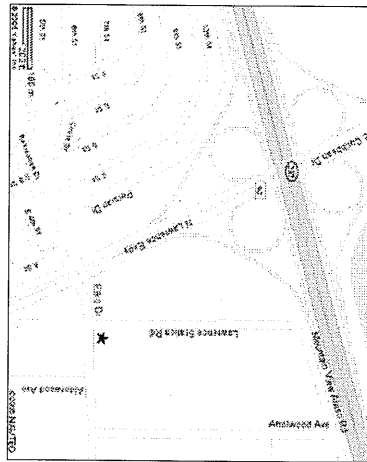
- A. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- B. The property shall remain clean and free of debris and garbage.

DRAGONWELL
PAN ASIAN BISTRO

1101 ELKO DRIVE
SUNNYVALE, CA 94089

USE PERMIT: TO OBTAIN THE ALCOHOL LICENSE

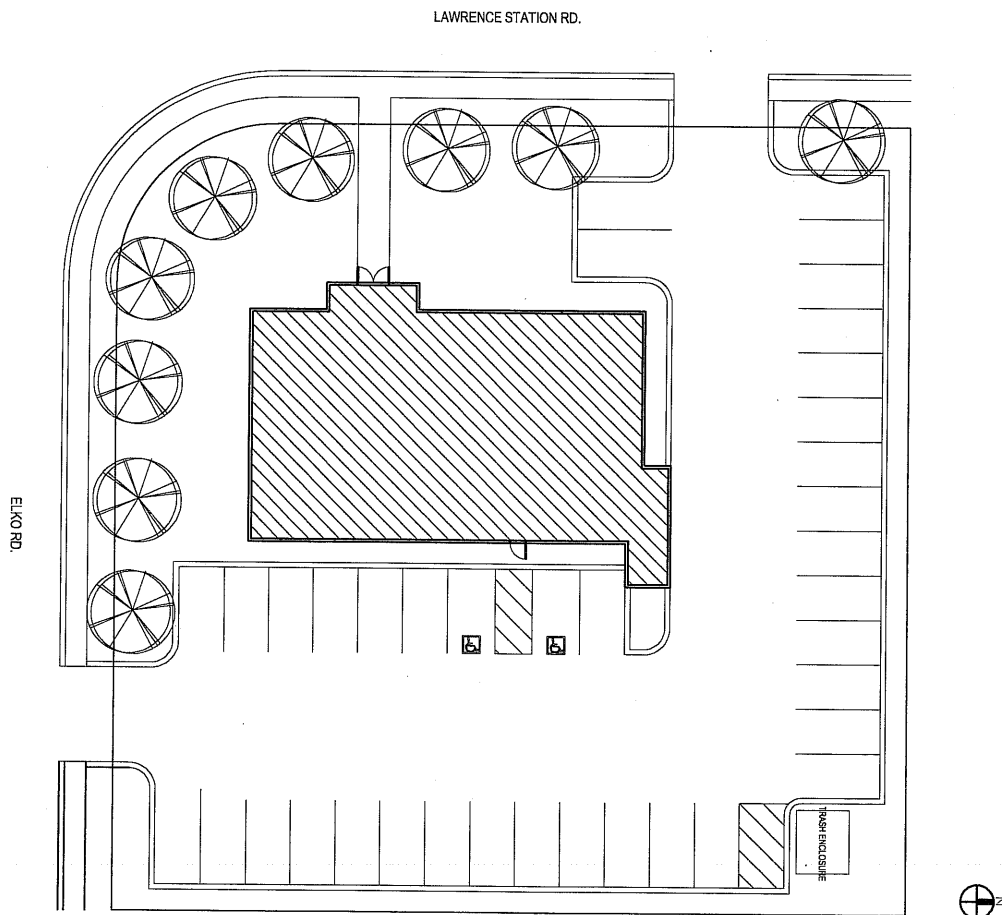
VICINITY MAP



BUILDING INFO

SITE AREA:	0.5119	ACRES
GROSS FLOOR AREA:	3,550	SQ.FT.
LOT COVERAGE:	3,550	SQ.FT.
HANDICAP PARKING:	2	
TOTAL PARKING:	39	
CONSTRUCTION TYPE:	V-N	
USE ZONE:	COMMERCIAL	
SPRINKLERED:	YES	
STORY/FEET:	1	

SITE PLAN



USE PERMIT FOR
DRAGONWELL PAN ASIAN BISTRO

1101 ELKO DRIVE
SUNNYVALE, CA 94089

A-1

Dragonwell Pan Asian Bistro
1101 Elko Drive, Sunnyvale, CA 94089
T: 408-752-0198
F: 408-752-0199

Introducing Dragonwell Pan Asian Bistro:

Located at 1101 Elko Drive, Sunnyvale, Dragonwell Pan Asian Bistro is a family style restaurant offering a wide range of popular entrees and small plates from Asia (please see attached menu). It's a perfect location for friends and families to get together or to have business discussions over meals, or to hold a banquet for parties. Its vintage Asian look with red lantern, bamboo, wood furniture, etc. provides a relaxing and retreating ambience back to old time. Dragonwell, with goals to service the community, is promoting a cheerful and healthy environment for its neighborhood business and families.

Justification:

Dragonwell Pan Asian Bistro is located in the Commercial Zone of City of Sunnyvale. There had been couple of other restaurants being operated at the same location. The current owner, Andrew Teng purchased this free-standing restaurant building and did a clean-up to bring the restaurant to its current condition. On the outside of the building, no changes have been made. However, the landscaping has been cleaned up nicely and lighting has been fixed as well. It has maintained its original building codes and has been brought up to date to be presented to the community again. Dragonwell hopes to provide its full restaurant & entertaining purposes to the neighborhood. Dragonwell is planning to apply for "Beer & Wine Liquor License".

Business hours:

Mon - Th	11:00 am to 2:00 pm 5:30 pm to 9:30 pm
Fri	11:00 am to 2:00 pm 5:30 pm to 1:00 am
Sat	12:00 pm to 3:00 pm 5:30 pm to 1:00am
Sun	Closed

Parking Space:

On-site: 39 parking spaces

On-street: plenty of on-street parking spaces